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DOCUMENTS

WASHINGTON'S FIRST CONSTITUTION, 1878

[Continued from page 229]

THIRTY-SECOND DAY—JULY 18TH

Quorum present.

Journal read and approved.

Mr. Larrabee, from Committee on "Revision" reported the following articles with amendments: "Distribution of Powers," "Officers," "Amendments," "Legislative" and "Administrative."

The amendments recommended by the committee were adopted by the convention.

The article on "Eminent Domain" was reported back without amendments.

On motion of Mr. Andrews, the Convention resolved itself into a Committee of the whole, and took up the article entitled "Schedule."

The first three sections of the article were stricken out, and on motion of Mr. George, the Committee of the whole recommended that a committee be appointed to frame and draft an article entitled "Ordinance," to include the three sections stricken out.

On motion of Mr. Eldridge, at 12 M., the committee rose, reported progress, and leave was granted to the committee to sit again.

Convention took a recess until 2 o'clock P. M.

AFTERNOON SESSION

On motion of Bradshaw, the convention resumed consideration of the article "Schedule."

Devoted the entire afternoon to deliberating upon this article, and at half past 4 o'clock the Committee of the whole rose, reported progress and leave was granted to sit again.

Adjourned.

THIRTY-THIRD DAY—JULY 18TH [19TH]

Quorum present. Journal read and approved.

Convention resolved into Committee of the whole and resumed consideration of the unfinished business consisting of the article entitled "Schedule."

Deliberated upon this article until 12 o'clock M., when the Committee rose, reported progress, and on motion leave was granted to sit again.

After the noon recess, the Convention went into Committee of the whole and again took up the "Schedule," which occupied the attention of the Committee the entire afternoon.

THIRTY-FOURTH DAY—JULY 20TH

Quorum present.

Proceeding to the order of reports of Committees, Mr. Dennison from Committee No. 1 reported the article entitled "Miscellaneous," and on motion it was laid on the table and ordered printed.

Mr. Larrabee from the Committee on Revision submitted the article on "Executive" with amendments.

On motion of Mr. Eldridge the amendments recommended were adopted.

On motion of Mr. Eldridge the amendments recommended by the Committee of the whole to the article on State Institutions were adopted.

Mr. Bradshaw moved that a Committee of three on Ordinance be appointed—carried.

The President appointed as such Committee, Bradshaw, Eldridge and O'Dell.

Proceeding to the order of unfinished business, on motion of Mr. Eldridge, the article entitled "Schedule" was taken up, and the Convention proceeded to consider *seriatim* the amendments recommended by the Committee of the whole.

During the consideration of the amendments, on motion of Mr. Dennison a call of the Convention was had, when all the members answered to their names except Mr. Lacy. The Sergeant-at-Arms was dispatched for the absent member, and in a short time Mr. Lacy appeared, when on motion of Mr. Andrews the further call of the house was dispensed with.

Upon the adoption of the amendments recommended by the Committee of the whole to new Section 25, Mr. Andrews moved to amend the amendment so that the first part of the section shall read as follows:

"This Constitution shall be submitted for adoption or rejection to the qualified electors of this Territory, at an election to be held on the Tuesday next succeeding the first Monday in November, 1878."

This amendment was adopted by the following vote:

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President—14.

Noes—Hannah—1.

Mr. Eldridge moved to amend the three lines of Section 57, by adding the following words: " * * * * and in the levying of taxes a separate and additional tax of half a mill on every dollar of assessed valuation of property within the counties of Nez Perce, Shoshone, and Idaho, shall be annually imposed and collected in the same manner as other taxes are collected, until an amount equal to said indebtedness shall have been so collected."

Mr. Bradshaw moved to amend the amendment by adding the words, "But the Legislature of the State may relieve those counties from the full payment"—motion lost.

The amendment proposed by Mr. Eldridge was put to vote of the Convention, and carried.

Mr. Hannah moved to amend Section 20, so that the counties of Yakima, Klickitat and Skamania may elect one Senator.

Mr. Larrabee raised the point of order that the portion of the section proposed to change was itself an amendment recommended by the Committee of the whole, and adopted in Convention, and that the motion of Mr. Hannah was therefore out of order until the vote adopting the previous amendment was reconsidered.

Mr. President decided the point of order well taken. Mr. Hannah appealed from the decision of the Chair, and the question being "shall the decision of the Chair be sustained," the ayes and noes were called with the following result:

Ayes—Andrews, Bradshaw, Eldridge, Emery, Larrabee, Lacy and Wait—7.

Noes—Dennison, Gilmore, George, Hannah, O'Dell and Steward—6.

Absent—Henry.

So the decision of the Chair was sustained.

On motion of Mr. Gilmore the Convention took a recess until 1:30 P. M.

AFTERNOON SESSION

At the appointed hour the Convention again went into consideration of the article on Schedule.

Mr. Dennison moved to reconsider the vote by which the amendment inserted in Section 26 was adopted.

On motion of Mr. Larrabee a call of the house was had, and Mr. Bradshaw found absent.

The Sergeant-at-Arms soon notified the absent member, and he made his appearance, when upon motion of Mr. Dennison the further call of the Convention was dispensed with.

The question being on Mr. Dennison's motion to reconsider, the ayes and noes were called with the following result:

Ayes—Dennison, Eldridge, Gilmore, George, Henry, Hannah, Lacy, O'Dell, Steward and Wait—10.

Noes—Andrews, Bradshaw, Emery, Larrabee and Mrs. President—5.

Mr. Andrews was called to the Chair.

The question being on the insertion of the amendment recommended by the Committee of the whole to Section 26 to-wit:

"In the event that the Congress of the United States shall designate in the act of admission the present boundary of the Territory of Washington as the boundaries of this State, 'We, the people of said Territory, by our Delegates in Convention assembled, do hereby assent thereto.' "

Mr. President resumed the Chair, and the ayes and noes were called on the amendment with the following result:

Ayes—Andrews, Bradshaw, Eldridge, Emery, Larrabee, Lacy, Steward and Mr. President—8.

Noes—Dennison, Gilmore, George, Henry, Hannah, O'Dell and Wait—7.

Article on motion was ordered engrossed for third reading.

Adjourned.

THIRTY-FIFTH DAY—JULY 22D

Quorum present.

Prayer by Rev. Mr. Eagan.

Journal read and approved.

Mr. Emery from Committee on "Engrossed Articles" reported that the "Schedule" had been properly engrossed.

On motion of Mr. Steward the report was received and the Committee discharged from further consideration of the article.

Mr. Larrabee from Committee on "Revision" reported back the article on "Legislative" with amendments. There being no objection to the amendments recommended by the committee were unanimously adopted.

Mr. Bradshaw from the Committee on "Ordinance" submitted for consideration an article entitled "Ordinance," and recommended the adoption of the same.

The report was accepted and the committee discharged.

The Ordinance articles were read third time and laid on the table.

Mr. Larrabee submitted the following resolution:

Resolved, "That the printing of 5,000 copies of this Constitution and address in pamphlet form for distribution, shall be let by contract

to the lowest responsible bidder, after 10 days' public notice. That the President of this Convention be, and is hereby authorized to procure the work to be done, and that a sum of money sufficient to pay the cost of such printing as well as of the distribution of the printed copies in equal proportion among the members of this Convention, is hereby appropriated to pay for the same."

On motion of Mr. George the resolution was referred to a special committee, with instructions to report tomorrow morning relative to the cost of such printing.

Mr. Larrabee submitted the following resolution:

Resolved, "That a committee of three, of which the President shall be one, and be Chairman, be appointed to prepare an address to the people, which shall be printed with the Constitution for distribution."

On motion of Mr. Hannah the resolution was referred to the special committee above provided for, with instruction to report.

On motion of Mr. Steward, the article entitled "Rights of Married Women and Exemptions," was taken from the table, read first and second times, and the Convention resolved into Committee of the whole thereon, with Mr. Larrabee in the Chair.

At 12 M. the Committee of the whole rose and the Chairman reported amendments with recommendations to adopt the same.

On motion of Mr. Eldridge the report was received, the committee discharged from further consideration of the article, and the amendments recommended by the committee adopted.

Convention adjourned until 2 o'clock P. M.

AFTERNOON SESSION

Mr. Larrabee from Committee on Revision reported back the article on "Judiciary" with amendments, and on motion the amendments were unanimously adopted.

The President appointed Messrs. George, Andrews and Steward a special committee to consider and report, pursuant to the resolution introduced at the forenoon session relative to printing 5,000 copies of the constitution, &c.

On motion of Mr. George, the President was added to the committee.

Mr. George moved to reconsider the vote by which the "Schedule" was ordered to a third reading. Mr. Larrabee raised the point of order, that the rules of the convention would not permit amendment after engrossment, except by unanimous consent, and that the motion to reconsider was therefore out of order, because unnecessary to the motion to amend by unanimous consent.

The President decided the point of order well taken.

The amendments to the article then being put to vote of the convention were unanimously adopted.

The Convention resumed consideration of the article entitled "Rights of Married Women and Exemptions."

Mr. Emery moved to strike the entire article from the Constitution—lost.

Mr. Dennison moved to amend Section 2 of the article by adding: "Laws shall be passed enabling married women to make and enforce contracts relating to their personal rights and safety; and to bring and maintain actions in their own right for all injuries done to their person and personal rights."

The ayes and noes were called on this motion as follows:

Ayes—Dennison, Eldridge, Gilmore, Henry, Lacy, Steward, Wait and Mr. President—8.

Noes—Andrews, Bradshaw, Emery, George, Hannah, Larrabee and O'Dell—7.

Mr. Eldridge moved the following substitute for Section 5:

"The Legislature may also by law exempt other property belonging either to the head of a family or to other persons, from forced sale on execution."—Adopted.

Mr. Larrabee moved the adoption of the following substitute for Sections 3, 4 and 5:

"The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure, or sale for the payment of any debt or liability hereafter contracted."

On motion of Mr. Henry the article as amended was adopted.

On motion of Mr. Eldridge the article was considered as engrossed, read third time and passed by a vote of 14 to 1. Mr. Emery voting no.

By unanimous consent Mr. Larrabee from Committee on Revision reported back the article without amendments.

On motion of Mr. Bradshaw the report was received and the committee discharged from further consideration of the article.

On motion of Mr. Bradshaw, it was unanimously incorporated in the article entitled "Legislative."

On motion of Mr. George the article entitled "Miscellaneous" was taken from the table, read first and second times and the convention resolved into Committee of the whole thereon, with Mr. Andrews in the Chair.

At 5 o'clock P. M., on motion of Mr. Gilmore, the committee rose and the Chairman reported amendments.

On motion of Mr. Eldridge the report was received and the committee discharged from further consideration of the article.

Mr. Henry asked leave of absence for the remainder of the session, and on motion of Mr. Bradshaw the same was granted.

Adjourned.

THIRTY-SIXTH DAY—JULY 23RD

Quorum present. Journal read and approved.

Mr. Lacy from Committee on Contingent Expenses, reported several bills correct, and recommended the payment of the same.

On motion the President was directed to draw warrants for the several amounts.

Mr. Larrabee from Committee on Revision reported back to the Convention the bill on Finance without amendments.

Mr. George from special committee on printing reported that the cost to print 1,000 copies of the Constitution, with the address of the President, would probably be \$200; to print 5,000 copies about \$400. Reported back the resolutions without recommendation.

On motion of Mr. Larrabee the report, with the statements of Mr. George, were received and the committee discharged.

On motion of Mr. Bradshaw the resolution relative to printing 5,000 copies, with amendments, was laid on the table.

On motion of Mr. O'Dell the Schedule was put on its third reading.

On motion of Mr. Larrabee a call of the house was made, and Mr. Emery found absent.

Mr. Hannah moved that a further call of the house be dispensed with, and the ayes and noes being called for the motion was lost.

Mr. Henry having a leave of absence, but being in the hall at the time, reported that he had *paired* with Mr. Emery.

The further call of the Convention was then dispensed with.

Mr. Henry asked leave of absence for the remainder of the term for Mr. Emery, and on motion leave was granted.

The question on the passage of the article entitled Schedule was lost.

The rules were suspended, and the article read second time, and after amendment, the rules were further suspended, the article considered engrossed, read third time, and was carried on its final passage.

On motion of Mr. Larrabee the article entitled Miscellaneous was taken up and acted on.

Mr. Larrabee moved the adoption of the following new section:

"None but citizens of the United States, or aliens who have declared their intention to become such, in accordance with the laws of Congress, shall be employed in or about any public office in this State, or in any State institution, or on any public work prosecuted by the State, or by any corporation, public or private, organized after the admission of the State."—Mr. Andrews in the Chair.

Mr. Lacy moved to amend by striking out all the section after the word "State." On this motion the ayes and noes were called with the following result:

Ayes—Dennison, Gilmore, George, Hannah, Lacy, O'Dell, Steward and Mr. President—8.

Noes—Andrews, Bradshaw, Eldridge, Larrabee and Wait—5.

Absent—Emery and Henry—2.

The new section as amended was then adopted unanimously, Henry and Emery being absent.

Convention took a recess until 2 o'clock P. M.

AFTERNOON SESSION

Convention resumed consideration of the Miscellaneous article.

A section was proposed to the article, limiting the amount of land to be owned by any one person, company, corporation, or association, to 640 acres, or one section of land according to the surveys of the United States.

The ayes and noes were called with the following result:

Ayes—Andrews, Eldridge, Gilmore, Larrabee and Wait—5.

Noes—Bradshaw, Dennison, George, Hannah, Lacy, O'Dell, Steward and Mr. President—8.

Absent—Emery and Henry—2.

Mr. Hannah proposed a section providing that the proceeds of all swamp and overflowed lands, etc., shall be set apart as a separate fund, to be called a "public building fund," to be applied to the erection of certain public buildings. The section was rejected.

On motion the article was ordered engrossed for a third reading.

On motion of Mr. Andrews the article entitled "Separate Articles" was read third time.

There being a division of the question called for, each of the articles was voted on separately and adopted.

The "Introduction" and "Conclusion" of the separate articles were also adopted.

Adjourned.

THIRTY-SEVENTH DAY—JULY 24TH

Quorum present.

Journal read and approved.

Mr. Lacy from Committee on Contingent Expenses reported without recommendation the bill of the Walla Walla Science Association for hall rent amounting to \$125. Subsequently Mr. Lacy was allowed to withdraw the bill for amendment, when on motion of Mr. Dennison, the committee was instructed that when they again report the bill to do so with their recommendation either for or against.

Mr. Dennison from committee No. 1 reported a set of resolutions.

Mr. Larrabee from Committee on Revision reported back the article on Corporations with amendments.

Mr. Larrabee moved that the Convention adjourn *sine die* on Saturday, July 27—carried.¹⁹

On motion the articles entitled respectively, "Ordinance" and "Resolutions," were taken up, read the first and second times, and the Convention resolved into Committee of the whole thereon, with Mr. Larrabee in the Chair.

After being in session for a time, on motion of Mr. Lacy the committee rose, Mr. President resumed the Chair, and the Chairman of the committee, Mr. Larrabee, reported.

On motion of Mr. Bradshaw the report was received and the committee discharged from further consideration of the article.

On motion of Mr. Bradshaw, the amendments recommended by the committee to the Resolutions were adopted.

On motion of Mr. Steward, the amendments recommended by the committee to the Ordinance were adopted.

On motion of Mr. O'Dell, the Ordinance was considered engrossed and read third time.

The vote stood on the final passage of the Ordinance as follows:

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Hannah, Larrabee, Lacy, O'Dell, Steward and Wait—12.

Noes—None.

Absent—Emery, Henry and Mr. President—3.

On motion of Mr. O'Dell, the Resolutions were considered engrossed and read third time, and the question being shall the Resolution pass, the vote stood:

¹⁹ When this motion was carried the editor who had been publishing the official record wrote: "We believe the members have, each and all, labored conscientiously and to the best of their ability to perform the work assigned them by the people."

Ayes—Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Hannah, Larrabee, Lacy, O'Dell, Steward and Wait—12.

Noes—None.

Absent—Emery, Henry and Mr. President—3.

On motion the rules were suspended and Mr. Steward from Committee on Engrossed Articles, reported the article "Miscellaneous" correctly engrossed.

On motion the article as reported from the committee was read third time, and the vote on its final passage was unanimous, Messrs. Emery, Henry and Mr. President being absent.

Mr. Lacy from Committee on Contingent Expenses, reported back bill of Science Association of \$125, with recommendation that the same be allowed.

Report received and the President directed to draw warrant for the amount.

Leave of absence was granted to Mr. Wait until 9 o'clock, Saturday morning.

Adjourned.

THIRTY-EIGHTH DAY—JULY 25TH

Quorum present.

Journal read and approved.

The President presented an invitation from the O. S. N. Co. to the members of the Convention and their wives to take a trip to Lewiston and back.

An invitation to the Convention from Jacob T. Miller, proprietor of the Walla Walla and Colfax stage line to visit Dayton and tendering a free passage.

The thanks of the Convention were sent in answer to both invitations.

Mr. Lacy from Committee on Contingent Expenses reported the bill of E. L. Heriff for stationery in the sum of \$158.36, also the accounts of the expenses of the members for traveling expenses as follows: D. F. Dennison, \$62; S. M. Wait, \$6; C. H. Larrabee, \$15.50; Edward Eldridge, \$76; A. S. Abernathy, \$34.50; S. M. Gilmore, \$10.50; D. B. Hannah, \$62; G. H. Steward, \$13; C. M. Bradshaw, \$42.50; L. B. Andrews, \$34. The committee recommended the payment of the same.

On motion of Mr. O'Dell the report was adopted and the President authorized to issue certificates for the several amounts.

Mr. Larrabee from Committee on Revision submitted the article entitled "Schedule" with amendments, and there being no objection the same were unanimously adopted.

Mr. Leland moved to amend Section 21 of the "Schedule" by inserting after the word Representatives in the 12th line of the 3d clause the following:

"The county of Nez Perce 1; the counties of Nez Perce and Shoshone 1, and the county of Idaho 1."—Adopted.

The convention proceeded to further consider the article entitled "Miscellaneous."

By leave of the convention, Mr. Larrabee withdrew his resolution relative to the appointment of a committee to prepare an address to be submitted to the people with the Constitution.

On motion of Mr. Leland the Convention proceeded to consider the resolution relative to printing 5,000 copies of the Constitution.

Mr. George moved the adoption of the following substitute:

"*Resolved*, That the sum of three hundred dollars be, and the same is hereby appropriated to be expended by, or under the direction of ———, in the publication and distribution of the Constitution."

The blank was filled by inserting the words, "the President of this Convention."

On motion of Mr. Larrabee the words "and twenty-five" were inserted after the word "hundred"—the substitute as amended was adopted.

AFTERNOON SESSION

The Convention re-assembled at 2 o'clock P. M.

The Committee on Revision through its Chairman, Mr. Larrabee, reported the article "Miscellaneous" with amendments, and there being no objection the amendments were adopted.

Adjourned.

THIRTY-NINTH DAY—JULY 26TH

Quorum present.

Prayer by Rev. Mr. Boyd.

Journal read and approved.

Mr. Lacy from the Committee on Contingent Expenses, reported bill of Wm. H. Newell for newspapers without recommendations; also bills of other persons amounting to \$480.13, and recommended the payment of the same.

On motion of Mr. Eldridge the report on the last mentioned accounts was adopted, and the President authorized to issue certificates for the several amounts.

On motion of Mr. Bradshaw a committee of three consisting of Messrs. George, Lacy and O'Dell were appointed to consider the bill of W. H. Newell, to collate the facts relative thereto, and report to the Convention.

Mr. Larrabee from the Committee on Revision reported back the article entitled Resolutions, with amendments, and there being no objection the amendments were adopted.

Mr. Larrabee moved to insert in the Miscellaneous article the following new section:

"The Legislature shall have power to fix the time for the election of all officers when no provision is made for such election in this Constitution."

There being no objection, the section was unanimously adopted—whereupon Mr. Larrabee, from Committee on Revision, reported the new section without amendment.

Convention took a recess until 2 o'clock P. M.

AFTERNOON SESSION

The special committee to whom was referred the bill of Wm. H. Newell, reported and recommended the payment of five cents per copy for the *Statesman*, and the President was authorized to draw warrant for the amount.

Adjourned.

FORTIETH DAY—JULY 27, 1878

After the usual preliminary work of the morning hour, the Convention took up the Constitution as enrolled on parchment for final reading, revision and signing, at the conclusion of which on motion of Mr. George the following resolution was unanimously adopted:

Resolved, That the thanks of this Convention be and the same are hereby tendered to the Hon. A. S. Abernathy for the able and impartial manner in which he presided over its deliberations.

On motion of Mr. O'Dell the following resolution was adopted:

Resolved, That the thanks of this Convention be and are hereby tendered to W. Byron Daniels, Secretary; Wm. S. Clark, Assistant Secretary; H. D. Cock, Sergeant-at-Arms, and A. P. Sharpstein and John W. Norris for the faithful and attentive discharge of their duties during the sessions of this Convention.

On motion of Mr. Larrabee the following resolution was adopted:

Resolved, That the thanks of this Convention be tendered to the several Clergymen who have attended upon the sessions of the Convention.

The secretary on behalf of the officers of the Convention presented the President with a silver mounted gavel as a slight testimonial of their regard and desire to be kindly remembered by him.

On motion of Mr. Steward the Convention adjourned, *sine die*.